

## OPEN AGENDA

Copy No:

No: 14/2021

### Memorandum for Executive Council

#### SUBJECT

#### Development Application: Proposed construction of Pet Care Centre, Merrimens Forest

Memorandum by the Chief Secretary

#### ADVICE SOUGHT

1. **Executive Council is asked to consider and advise whether FULL Development Permission should be granted, with Conditions for the development application for the proposed construction of Pet Care Centre, Merrimens Forest as recommended by the Land Development Control Authority (LDCA).**

#### BACKGROUND & CONSIDERATIONS

2. At the Executive Council meeting held on 18<sup>th</sup> December 2020, Members considered Memorandum 85/2020 relating to the development application for a proposed pet Care Centre at Merrimens Forest and decision was deferred as Members were concerned on the potential of excessive noise from the development and instructed the Chief Planning Officer to investigate improvements in the construction of the building that would reduce the level of noise emanating from the building. Following the decision of the Executive Council, the issues raised were discussed with the applicant and the construction details have been revised. The Memorandum for the 18<sup>th</sup> December meeting is included as Annex AA and all other supporting document which are referred to in the previous Memorandum are also attached as Annex A, B, and C.

#### 3. AMENDMENTS TO THE PROPOSED DEVELOPMENT

- a) The application site is situated within Merrimens Forest, approximately 200m north of Sure's telecommunication hut at White Gate. The development is within the Green Heartland Zone with no conservation area restrictions.
- b) The proposed development is to construct a building that will be used as a pet care centre and provide services that includes kennelling for dogs and cats, whose owners are travelling overseas, kennelling and re-homing of stray dogs, microchipping of pets, sale of worm and flea treatments, general pet care including grooming and nail clipping. The

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kennelling use would be a 24 hour service. Times for other services will be determined through clinics and appointments.

- c) The issues raised by Members was the potential of noise emanating from the building that could potentially cause noise disturbance to the nearby residential. Whilst there is potential to include shutters to the windows as a means of reducing noise, it was considered construction of the building also needed reviewing.
- d) In view of the issues raised, the applicant was advised to consider noise insulation within the wall and to remove sections of the roof that would be translucent to enable natural light into the building. The applicant has taken on board the advice and has amended the plans accordingly. These changes to the building construction will reduce to some element the noise from the building and it is considered that this should overcome the concerns of the Members.

## 4. PLANNING POLICY

- a) The proposed development application is assessed against the Principle and Strategy of the Land Development Control Plan and in respect of the policies that apply and these include the following:
  - Green Heartland Zone: GH1, GH2, GH4, GH5, GH6
  - Sewage and Storm Drainage Policies: SD7
  - Social Infrastructure Policies: SI1(a)
- b) In respect of the proposed development LDCCP policies relating to the Green Heartland are considered to be particularly relevant in the assessment of the development application and a departure from the policy.
- c) The proposed use meets the requirement of this policy in developing a much need facility for the health, care and well-being of animals, in particular “domestic animals”. There is currently no such facility on the island. The issues to consider are whether the proposed location is considered to be the most suitable siting for such a facility and a further argument is whether the proposed use is considered to fall within the wider objective or spirit of policy GL4 which supports the development of small animal shelters, which is intended for farm animal and livestock.

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### 5. REPRESENTATION

- a) There was representation received from the Heritage Society raising objections to the proposed development and in particular with regards to the site being at 570m above sea level within the Green Heartland Zone and since at least 2012 the Green Heartland Zone policy GH2 has said, “No development permission will be granted for development which includes the construction of buildings above the contour line of 550m” and none of the listed exceptions apply.

### OFFICER RESPONSE

- b) The proposed development is contrary to Green Heartland Zone policies and there are sufficient grounds to enable the development to be granted development permission. As regards to noise the sound installation proposed will reduce the level of noise that will be emanating from the building.

### 6. MATERIAL CONSIDERATION

- a) The location of the proposed development and the nature of the use within the Green Heartland within the rural setting whilst not wholly in compliance with the Primary Policy can be considered to be within the spirit of the policy objective as the development site is within and amongst the forested area and will not be visually intrusive in the landscape and due to the size and mass would have minimal impact to the ecology of the area.
- b) Similarly its location above the 550m contour line, ensures that due to physical constraints it remains less intrusive in the landscape than if it was located on a lower plain. Therefore the proposed location at a higher plain makes the development more acceptable.
- c) The proposed facilities are considered to be meeting the service and/or use not currently available on the Island and would therefore meet the social obligation for the health, care and wellbeing of domestic animals (household pets).

### 7. OFFICER ASSESSMENT

- a) The proposed development within the Green Heartland does not comply with various LDCP policies for the location of development in this zone and is therefore considered to be

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contrary to the development plan. However given the nature of the development and the use that cannot be located within a residential neighbourhood, the location within a densely forested area may be considered to be acceptable. The development would not be visually intrusive in the landscape and will not be visible from other higher vantage points. There is a need for such a facility on the island and the development and facilities would be beneficial. In this respect it meets the policy objective for the development of social infrastructure.

- b) The proposed development is contrary to the development plan policies, however as the use is *sui generis*, as it does not fit with any of the Use Class Order of the Land Planning and Development Control Ordinance 2013, if the development permission is granted it would not set any precedence in consideration for any future development as the proposed use is very specific and probably “one-off” and meets the social objective of providing a facility for the health, care and well-being of domestic animals.

### 8. OFFICER RECOMMENDATION

- a) The Land Development Control Authority considered the report on the proposed development application and is in support of the material consideration set out for exemption to the Green Heartland Zone and has recommended to the Governor-in-Council to grant Full Development Permission subject to Conditions as set in Section E of the LDCA Report and in the Decision Letter in ANNEX B.

#### FINANCIAL IMPLICATIONS

9. Executive Council acts as the Planning Authority in this case.

#### ECONOMIC IMPLICATIONS

10. None specific, however the proposed development has the opportunity to create training and employment opportunities.

#### CONSISTENCY WITH INVESTMENT POLICY PRINCIPLES

11. N/A

#### PUBLIC/ SOCIAL IMPACT

12. This development will create a service which is much needed on the Island for the health, care and wellbeing of domestic animals.

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- ENVIRONMENTAL IMPACT** 13. The impact on the natural environment of the area will be minimal.
- PREVIOUS CONSULTATION/ COMMITTEE INPUT** 14. There was consultation on the development application and one representation was received from the Heritage Society and this been considered in Section 7 of the Memorandum.
- PUBLIC REACTION** 15. This would receive some public and media attention, especially from pet-lovers on Island.
- PUBLICITY** 16. The decision will be mentioned in the ExCo Radio Briefing following the meeting. Once works begin and following completion, a Press Release could be issued.
- SUPPORT TO STRATEGIC OBJECTIVES** 17. N/A
- LINK TO SUSTAINABLE ECONOMIC DEVELOPMENT PLAN GOALS** 18. The Sustainable Economic Development Plan 2018-2028 highlights the role of entrepreneurs providing services not currently available on St Helena as an opportunity to support economic growth.
- IMPLEMENTATION OF POLICY/ LEGISLATION** 19. N/A
- OPEN/CLOSED AGENDA ITEM** 20. Recommended for the Open Agenda.

Corporate Support  
Corporate Services

*05<sup>th</sup> March 2021*

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